

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-529-RJC-DCK

WELLESLEY K. CLAYTON,)
Plaintiff,)
vs.) ORDER
EQUIFAX CREDIT INFORMATION)
SERVICES, LLC,)
Defendant.)

)

THIS MATTER comes before the Court on *pro se* Plaintiff's Motion for a Date for a Jury Trial. (Doc. No. 8.) On August 26, 2019, Plaintiff filed a Complaint in state court alleging that Defendant was repeatedly spamming him with robocalls and emails. (Doc. No. 1-1.) The case was removed to federal court and set before Judge Mullen on October 11, 2019. (Doc. No. 1.) On November 4, 2019, Judge Mullen issued an Order requiring Plaintiff to file an Amended Complaint that complied with Federal Rule of Civil Procedure 8(a). (Doc. No. 4.) The case was then reassigned to this Court on November 26, 2019.

On October 16, 2020, Plaintiff filed a Motion for a Date for a Jury Trial. (Doc. No. 8.) Defendant replied that no trial date should be set and that the case should be dismissed because Plaintiff had failed to comply with the November 4, 2019 Order. (Doc. No. 9.) Plaintiff replied that he had never received the Order in the first place. (Doc. No. 10.)

This Court's internal records do not show that Plaintiff was ever mailed a

copy of the November 26, 2019 Order. The Court will therefore re-issue the Order granting Defendant's Motion for More Definite Statement under Federal Rule of Civil Procedure 12(e), and ordering Plaintiff to file an Amended Complaint that complies with the requirements of Federal Rule of Civil Procedure 8(a) within two weeks of the issuance of this Order. Because Plaintiff has not yet done so, Plaintiff's Motion for a Date for a Jury Trial will be denied without prejudice.

IT IS, THEREFORE, ORDERED that

1. Within two weeks of this Order, Plaintiff shall file an Amended Complaint that complies with the requirements of Federal Rule of Civil Procedure 8(a).
2. Plaintiff's Motion for a Date for a Jury Trial, (Doc. No. 8), is **DENIED** without prejudice.

SO ORDERED.

Signed: February 16, 2021



Robert J. Conrad, Jr.
United States District Judge
